

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**Cr. No. 21-10087-STA**

**TRAVIS HALE**

**Defendant.**

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**AMENDMENT 821 MOTION FOR SENTENCE REDUCTION**

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COMES NOW the Defendant Travis Hale, by and through undersigned counsel, and moves for a sentence reduction based on the Sentencing Commission's retroactive reduction to the criminal history guidelines. *See* 18 U.S.C. § 3582(c)(2); Federal Rule of Criminal Procedure 43(b)(4).

The U.S. Sentencing Commission made Parts A and B, Subpart 1, of Amendment 821 retroactively applicable to previously sentenced defendants. *See* U.S.S.G. App. C., amend. No. 825; U.S.S.G. §1B1.10, p.s. (eff. Nov. 1, 2023). Part A of the amendment addresses guideline §4A1.1 status points, decreasing them by one point for individuals with seven or more criminal history points and eliminating status points for those with six or fewer criminal history points.

Defendant is eligible for a sentence reduction under Part A of Amendment 821. Defendant's original sentence guideline range was calculated with an adjusted offense level of 27 and a criminal history category of IV [4], based on a total of 8 criminal history points. Defendant had 6 criminal history points and was assessed 2 additional points for being on supervision at the

time of the offense. This resulted in a sentencing range of 120-125 months. After application of the First Step Act which had taken effect during the pendency of the case and all other sentencing factors, Defendant's offense level was 25. That created a Guideline range of 84-105 months. He was sentenced to 70 months, after consideration of all sentencing factors.

Applying Part A of Amendment 821, Defendant's criminal history category is now III [3], with a total of 6 criminal history points. The new sentencing range is 87-108, based solely on Guideline calculations. The defense recommends that Defendant be granted a sentence reduction after consideration of the same factors as in the original sentencing.

Defendant consulted with Assistant United States Attorney Lynn Crum. The government declines to take a position, prior to U.S. Probation's review of the materials. Probation has asked the Federal Defender's Office not to send information to them prior to the filing of like motions.

**PREMISES CONSIDERED;** Defendant moves for a sentence reduction as set forth above.

Respectfully submitted, this the 7<sup>th</sup> day of February, 2024.

s/ M. DIANNE SMOTHERS [BPR 011874]  
Assistant Federal Defender  
109 South Highland, Suite 105  
Jackson, TN 38301  
(731) 427-2556

**CERTIFICATE OF SERVICE**

Undersigned hereby certifies that a true copy of the foregoing was forwarded by electronic means via the Court's electronic filing system, or if filed 'under seal' by mailing same or by hand delivery to:

Lynn Crum  
Assistant U.S. Attorney  
167 N. Main, Suite 800  
Memphis, TN 38103

s/ M. DIANNE SMOTHERS  
Assistant Federal Defender